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April 10, 2003

01-AFC-20

CALIF ENERGY COMMISSION

BY HAND DELIVERY

APR 10 2003

James D. Boyd
Presiding Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

William J. Keese
Chairman
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

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Re: Avenal Energy Project (Docket No. 01-AFC-20): Request for Extension of Existing
Suspension to May 1, 2004

Dear Commissioners:

I am writing on behalf of Duke Energy Avenal, LLC ("Duke Avenal") to request that the California Energy Commission (the "Commission") extend the existing suspension of review of the Avenal Energy Project (the "Project") to May 1, 2004. This request is in accordance with numbered paragraph 6 of your *Order Suspending AFC Review to May 1, 2003*, dated October 10, 2002. Duke Avenal requests a one year suspension to avoid the need to repeat the request in six months were such a need to arise. Should the Committee prefer a six-month extension now and third six-month request from Duke Avenal in the future, we would be willing to accommodate such a six-month timeline. Duke Avenal is currently in the process of finalizing negotiations to extend existing options for the project site and the water supply to accommodate the requested one year suspension in licensing.

Neither the economy nor the energy markets have rebounded as we had hoped they would since our original request for delay in October of 2002. Thus, construction of the Avenal Energy Project will continue to be delayed. Duke Avenal understands that the Commission is still busy with review of other siting cases. Since the construction of this facility will be further delayed, we believe there is no reason to further impact Commission resources with final review of this facility at this time. Should the market conditions change prior to May of 2004, Duke Avenal will request that the Commission schedule an earlier review of the Avenal Energy Project.

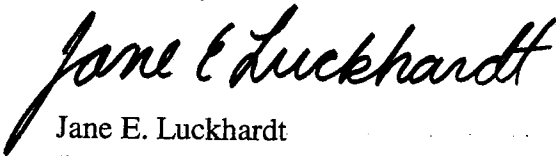
Duke Avenal is not aware of any changed environmental conditions that would render the environmental analysis of the proposed power plant site contained in the Application for Certification or data responses "stale" and inapplicable for completion of review of the Avenal

Energy Project. Therefore, Duke Avenal does not expect to repeat previously conducted surveys and analysis prior to completion of review of this project by the CEC. In regards to biological resources due to the fact that the proposed power plant site and linear corridors are actively farmed or within existing road rights-of-way, Duke Avenal intends to confirm that the conditions of the previously surveyed site and corridors have not changed but does not believe there would be a need to conduct new comprehensive biological surveys of these locations. Duke Avenal will provide additional information on a transmission line route between the proposed power plant site and Pacific Gas and Electric's Gates substation. This analysis would cover all subject areas that could be impacted by this transmission line alignment.

In the meantime, upon receipt of the Final Determination of Compliance from the San Joaquin Valley Air Quality Management District and the Supplemental System Impact Study from Pacific Gas and Electric Company, Duke Avenal will file those documents with the Commission. Both documents should be available by this summer.

Out of respect for the Commission's and its Staff's time, Duke Avenal is requesting that the Commission suspend any further review of the Project to May 1, 2004.

Very truly yours,



Jane E. Luckhardt

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cc: Gary Fay, Hearing Officer
Lance Shaw, Project Manager
Lisa DeCarlo, Staff Counsel
Docket (12 copies)
Service List (01-AFC-20)

STATE OF CALIFORNIA
CALIFORNIA ENERGY RESOURCES AND DEVELOPMENT COMMISSION

01-AFC-20

CALIF ENERGY COMMISSION

In the Matter of:

Docket No. 01-AFC-20

APR 10 2003

Duke Energy Avenal, LLC's Application
for Certification of the Avenal Energy
Project


NOTICE OF CHANGE OF FIRM
NAME, TELEPHONE NUMBER
AND FACSIMILE NUMBER

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To the California Energy Commission, and to all parties and their attorneys of record:

NOTICE IS HEREBY GIVEN that the firm name of Downey, Brand, Seymour & Rohwer, LLP has been changed to Downey Brand LLP. The new telephone number is (916) 444-1000 and the new facsimile number is (916) 444-2100. Downey Brand's address will remain unchanged. Please update your service lists to reflect these changes.

Respectfully,


Jane E. Luckhardt
Downey, Brand, Seymour & Rohwer, LLP
Attorneys for Applicant

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